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BEFORE THE MICHIGAN HOUSE COMMITTEE ON ETHICS AND ELECTIONS
HEARING ON HB 5279
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Good morning. I am Jocelyn Benson, a law professor from Wayne State University Law School. I would like to thank the House Committee on Ethics and Elections for holding a hearing on this important legislation to reduce barriers to voting in Michigan.

We are living in a crucial time for elections in Michigan. Though we were seventh in the nation in turnout in 2008, many laws that govern our state's democratic process are antiquated and outdated. Our failure to innovate in recent years resulted in our state being named one of just 16 states where our military voters are given "no time to vote" in the electoral process, suggesting that our laws do not allow for the transmission of ballots in a way that provides sufficient time for our overseas voters to complete the voting process.

Across the board, voter participation among military personnel is starkly lower than the participation rates of their civilian counterparts. In part, this is due to the fact that the voting process they are forced to navigate is overly complex and subject to substantial mail delays. As a result, only 22% of citizens servicing abroad in the military voted in 2006, as compared to roughly 40% of the general population.

The Federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 USC 1973ff), requires states to provide mechanisms for U.S. citizens living or serving abroad to register and vote in elections for federal office by mail. That requirement has not been without its problems, and it is not unusual for registration forms, ballot request forms, or ballots themselves to get lost en route to or from the mailing elections official.

In 2004, the United States Election Assistance Commission issued a report on the best practices for facilitating the participation of Uniformed Services members and overseas citizens. Chief among their recommendations was enabling the electronic submission of absentee ballots to absent uniformed services and overseas voters.

A 2009 study by the Pew Center for Making Voting Work compared the experiences of Michigan and New Mexico citizens serving abroad. The report noted that both states elections systems are similar in that we don't require that overseas voters notarize their ballots prior to returning them, and we give our citizens at least 45 days to complete the voting process after sending blank ballots. New Mexico's process, however, is fully electronic, meaning that voters can use a fax or email to register to vote, receive, and submit their completed ballot. We currently allow our residents serving abroad to register and request an absentee ballot electronically, but we mandate that all other steps via regular mail. As a result, Pew estimates, the entire process to receive and return ballots takes nearly two months for Michigan's voters, and only 8 days for New Mexico's voters.

Currently 32 states allow the electronic transmission of a blank ballot provided for in this legislation. And states like Minnesota have recently enacted these reforms to great success. According to Rep. Jeremy Kalin, sponsor of the Minnesota bill, participation rates for military voters increased over 400% between 2006 and 2008. In addition, the state that previously saw 19% of its ballots returned now saw a response rate of up to 61%.

Finally, while security risks are always a concern, the bottom line is that the men and women who put themselves in harm's way to keep our country secure deserve full and unfettered access to the rights and freedoms they are fighting to protect. That is why I urge this committee to support this bill and bring Michigan up to date with nearly every other state in this country in allowing our voters serving abroad to receive the electronic transmission of blank ballots. Thank you again for allowing me to present this testimony in favor of House Bill 5279.